



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission

From: Tiffany Stankiewicz, Sr. Planning Tech. *TS*

Through: Townsley Schwab, Acting Sr Director of Planning & Environmental Resources *TS*

Date: September 16, 2008

Subject: NROGO Year 16.2 Non-Residential Floor Area Evaluation Report

Meeting Date: September 24, 2008

1 I BACKGROUND:

2

3 Monroe County Code, Section 9.5-124.6 NROGO establishes the procedure for allocating the non-

4 residential floor area. The "maximum annual allocation", and the distribution between the first and

5 second allocation dates, will be determined by the Board of County Commissioners upon the

6 recommendations of the Planning Director and the Planning Commission. The commercial floor

7 area that is not made available, or that remains unused, in the current year will be carried forward.

8

9 There were 133,540 square feet of non-residential floor area available for allocation at the

10 beginning of Year 16 (July 2007-July 2008). At the Planning Commission meeting of September

11 26, 2007 the Director of Planning recommended 35,000 square feet of floor area to be made

12 available for the Year 16 NROGO allocations. The 35,000 is awarded in two allocations. The first

13 allocation of 17,500 square feet is awarded in January 2008, and the second allocation of 17,500

14 square feet is awarded in July 2008. No allocation for any one single applicant is to be awarded for

15 greater than 2,500 square feet. The Board of County Commissioners approved Resolution 410-

16 2007 confirming the Planning Commissions recommendation.

17

18 On March 15, 2006, the Board of County Commissioners adopted Ordinance 011-2006 to

19 implement the Tier System, and subsequently, it was challenged by Florida Keys Citizens

20 Coalition, Inc. and Protect Key West and the Florida Keys, Inc., d/b/a Last Stand. Thomas G.

21 Pelham, Secretary, Department of Community Affairs signed the final order deciding the

22 challenge on September 26, 2007. No appeal was taken by the parties, therefore, based on the

23 date of the final order Period 1, Year 16 applicants have been scored in accordance with the Tier

24 System criteria.

25

1 The Tier System, made changes such as separate districts for allocation distribution, basis of
2 scoring applications, and administrative relief. The new districts are as follows: A) Lower,
3 Middle, & Upper Keys and B) Big Pine/No Name Key are the subareas for NROGO.

4
5 **Additional background specific to the Big Pine/No Name Key Sub-area:**
6

- 7 1) In 1998, the Florida Department of Transportation, Monroe County, the Florida
8 Department of Community Affairs, the U.S. Fish and Wildlife Service and the
9 Florida Fish and Wildlife Conservation Commission signed a Memorandum of
10 Agreement to develop a Habitat Conservation Plan (HCP) for the Key Deer and
11 other protected species in the project area.
12
- 13 2) The Livable Communikeys Program (LCP), Master Plan for Future Development
14 of Big Pine Key and No Name Key was adopted on August 18, 2004 under
15 Ordinance 029-2004. The LCP envisioned 47,800 square feet of commercial floor
16 area over the next twenty years to be used for infill and expansion of existing
17 businesses. Development is limited to Tier III disturbed and scarified uplands.
18 Based on the above commercial area square footage envisioned to be released
19 over the twenty year horizon, approximately, 2,390 square feet of floor area could
20 be made available per year.
21
- 22 3) On September 22, 2005, the Monroe County Board of Commissioners adopted
23 Ordinance 025-2005 which revised NROGO to utilize the Tier overlay as the
24 basis for the competitive point system to implement goal 105 of the 2010
25 Comprehensive Plan. The ordinance became effective on February 5, 2006.
26
- 27 4) On June 9, 2006, the Federal Fish and Wildlife Permit was issued to 1) Monroe
28 County, Growth Management Division, 2) Florida Department of Transportation,
29 and 3) Florida Department of Community Affairs for the Threatened and
30 Endangered Species Incidental Take Permit (ITP) since the permittees have
31 defined the geographic area covered by their Habitat Conservation Plan (HCP) on
32 Big Pine/No Name Key. The ITP requires the Permittees to ensure that the take of
33 the covered species is minimized and mitigated. The Permittees are responsible
34 for meeting the terms and conditions of the ITP and implementing the HCP.
35 Pursuant to the LCP Action Item 9.2.4 the County will create a mitigation fee for
36 new residences, non-residential floor area, and institutional uses in order to ensure
37 that development bears its fair share of the required mitigation under the Federal
38 ITP #TE083411-0.
39
- 40 5) On November 14, 2007, the Board of County Commissioners adopted Ordinance
41 044-2007 deferring residential and non-residential allocations on Big Pine/No
42 Name Key until a mitigation ordinance is adopted or for two months from
43 December 1, 2007. Ordinance 044-2007 has expired.
44

- 1 6) On May 6, 2008, the Planning Commission made a recommendation not to
2 approve the Big Pine/No Name Key Mitigation Ordinance and forwarded their
3 recommendation to the Board of County Commissioners for review.
4
5 7) On August 20, 2008, the Growth Management Division withdrew the proposed
6 Big Pine / No Name Key Mitigation Ordinance from the Board of County
7 Commissioners' agenda. The Growth Management Division is exploring the
8 concept of regulatory conservation to meet or exceed the 3:1 mitigation required
9 by the Incidental Take Permit.
10

11 II AMOUNT OF FLOOR AREA REQUESTED:
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13 There are eight (8) applicants requesting commercial floor area for the Year 16.2 July allocation.
14 There are six (6) applicants in the Lower/Middle/Upper area and two (2) applicants in the Big
15 Pine/No Name Key area. The applicant's score is broken down by scoring criteria.
16

17	Total Available for Y 16	35,000 SF
18	Available Allocation for 1 st period	17,500 SF
19		
20	Total SF Allocated for 1 st period:	4,110 SF
21		
22	Total SF Remaining	13,390 SF
23	Total Available for Y16 2nd	30,890 SF
24		
25	Lower Keys:	2,535 SF
26	Big Pine/No Name Keys	3,809 SF
27	Upper Keys:	<u>7,484 SF</u>
28	Total SF Requested:	13,828 SF
29		

30 Special note regarding the allocation of non-residential floor area on Big Pine Key: The Planning
31 & Environmental Resources Department has determined a total of 7,181 square feet of non-
32 residential floor area has been allocated on Big Pine Key. The actual non-residential allocations
33 were made from 2005-2007. The count of residential units and non-residential square footage
34 begins April 2003, from the adoption of the HCP.
35

36 Based on the adoption date of the HCP, an estimated 2,390 square feet of floor area could be
37 made available per year, thus by July 2008 a total of 11,950 square feet of floor area could have
38 been potentially allocated less 7,181 which has already been allocated on Big Pine Key prior to
39 this allocation period. The balance available based on this analysis is 4,769 square feet of floor
40 area available thru July 2008. In conclusion the goals set on Big Pine Key are within the desired
41 limits.
42
43
44
45

1 III EVALUATION AND RANKING:

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3 The evaluation of the allocation applications was performed by the Planning and Environmental
4 Resources Departments according to the provisions of the Non-Residential Rate of Growth
5 Ordinance (NROGO). Positive and negative points were granted in compliance with the
6 evaluation criteria contained in Section 9.5-124.8 (a) and the Land Development Regulations.

7
8 Based on the total points scored, each allocation was ranked. If applications received identical
9 scores, they were ranked by date and time first, and further ranked based on the applicants with the
10 fewest negative points on the same day.

11
12 IV RECOMMENDATION:

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14 Based on the proceeding, the Acting Sr. Director Planning & Environmental Resources
15 recommends the following NROGO allocations of Year 16.2 be awarded as follows for period 2:

16
17 Lower/Upper Keys: Applicants ranked one (1) through six (6), requesting a total of 10,019
18 square feet of floor area;

19 Big Pine/No Name Key: Applicants ranked one (1) through two (2), requesting a total of 3,809
20 square feet of floor area to be released based on mitigation available from Monroe County.
21
22

NON-RESIDENTIAL (NROGO) ALLOCATION RANKING
 PROPOSED BY ACTING SR. DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES
 LOWER, MIDDLE, UPPER KEYS EXCLUDING BIG PINE/NO NAME KEY
 YEAR 16.2 (JANUARY 15, 2008 TO JULY 14, 2008)

1	06304836	Doherty, Robert	24-Jan-08	9:50 AM	3	20	20	20	Key Largo	Ocean Acres	35, 36 & 45	00454500.000000	2500
2	08301895	Marr 100 Family Ltd.	14-Jul-08	10:36 AM	3-A	20	20	20	Key Largo		Pt Lot 42 & Right-of-Way	00087700.000000	2120
3	08301894	Marr 100 Family Ltd.	14-Jul-08	10:34 AM	3-A	20	20	20	Key Largo		Pt Lot 42 & Right-of-Way	00087700.000000	380
4	08100785	Roth, Fred	5-Mar-08	1:55 PM	3	20	20	20	Big Coppitt	Coppitt Subd. Amd.	4, 5, & Ely 45' L 8	00150860.000000	1785
5	06304353	Green, Monte	26-Feb-08	1:38 PM	1	0	7		Key Largo		Part Lots 35 - 38	00086770.000000	2484
6	08102167	First State Bank	9-Jul-08	10:30 AM	3	20	20	20	Summerland	Summerland Key Cove An	14	00189010.000100	750
												Total Sq. Footage Requested	10019

NON-RESIDENTIAL (NROGO) ALLOCATION RANKING
 PROPOSED BY ACTING SR. DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES
 BIG PINE/NO NAME KEY
 YEAR 16.2 (JANUARY 15, 2008 TO JULY 14, 2008)

1	08100720	Fletcher, Thomas	14-Apr-08	2:50 PM	3	Big Pine	Tropic Island Ranchettes	I2	00111420.001300	2500
2	07105046	TIB Bank	14-Jul-08	9:00 AM	3	Big Pine	metes & bounds see application		00111090.000000	1309
Total Sq. Footage Requested									3809	